

In Brief

✓ **The Bush Budget Eliminates SSA Death Benefit**

- George Bush's 2007 budget proposes to eliminate the Social Security Administration's \$255 death benefit that a recipient's family receives when the SSA beneficiary dies. The budget also proposes to eliminate the inheritance tax. Off course, the victims of the elimination of SSA's \$255 death benefit are the poor and the middle class of America.

✓ **Non-Citizen Code Workgroup - What's Brewing at DSS?**

- DSS has formed a workgroup on ACIN-71-00. The group is working on clarifying eligibility-based codes. Advocates have been excluded from the group. We wonder what DSS is cooking up for noncitizens.

✓ **Food Stamp Expedited Service (ES)**

- Some counties are not issuing Food Stamp benefits for the month of eligibility and the following month. ES should be issued for households applying after the 15th of the month. DSS has informed the counties that the USDA, Food and Nutrition Services has clearly stated that both months should be issued at the same time when the household is found to be in expedited need of food stamps and has applied after the 15th of the month.

✓ **Referral to Family Support on Pregnant Women-Only Cases**

- Counties have been reminded not to refer pregnant women with no other children to Family Support.

✓ **Policy Interpretation- Child Care for Second Parent**

- "A two-parent family was receiving CalWORKs. The father was work-

ing, mom was watching the child. No child care needed. Three months ago their CalWORKs was stopped. Now mom is going to college and wants child care. Can the county pay child care as a former welfare recipient?"

A 11/3/05 DSS policy interpretation by Daisy Braxton approved on 11/8/05 stated: "Yes. According to Stage One regulations, (MPP 47-230) former CalWORKs client(s) are eligible to receive subsidized child care payments if the child care is not available in stages two and three and the client meets the requirements of Sections 47-220.2 through 57-220.213."

✓ **Can Sanctioned Senior Mom be Paid to Provide Child Care for Minor Mom's Child?**

- On 9/27/05 Veronica Cowgill of Orange County asked DSS whether an "AU consists of senior mom who is sanctioned from WTW, minor mom, and the minor's child. Can senior mom be paid to provide child care while the minor participates in CalLearn activities?" On 11/9/05 Krista Meek of DSS responded:

"Regulation MPP 47-260.3 states, "Payment shall not be made for child care services when care is provided by parents, legal guardian, or members of the assistance unit." In the scenario you describe above, the senior parent would be excluded from the AU due to the sanction. Therefore, the senior parent is eligible to be paid to provide child care to the minor parent's child, because she is not in the AU, not the parents, nor is she the legal guardian."

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Publisher: CCWRO.

Reporters: Kevin Aslanian and Grace Galligher.
Contributors: Steve Goldberg and Diane Aslanian.

✓ **San Diego County Waits Until Care Has Been Provided to Inquire of Criminal Backgrounds-Withhold Payments** - San Diego County is preparing to interrogate persons, who have been providing child care to CalWORKs participants, about their criminal backgrounds. The problem is, these inquiries are being done after care has been provided and before the providers are paid for their service. On 12/2/05 Margo Chiu of San Diego County asked DSS whether they could ask questions about the background of the provider. DSS responded on 12/7/05 that "If credible evidence, including self-disclosed information, results in a determination by the county that the provider poses a serious health and safety risk to the children, **the county may deny payment based on this evidence.**"(emphasis added) This is what it is all about, counties refuse to verify that the parent has safe and qualified child care. Parents are forced to retain any kind of child care to avoid the vicious WtW sanctions. Then counties refuse to pay the child care because the provider is deemed to be insufficient.

The callousness shown by State and County welfare bureaucracies toward poor children by refusing to verify that safe and qualified child care is available before the parent is required to participate, is criminal and intentional child abuse by the government.

✓ **Inter-program Verification**-On 12/15/05, an anonymous source asked CDSS the following question:

Is information known to Welfare-to-Work considered third party verification by CalWORKs?

CDSS Response dated 12/21/05 states:

"If the information known to Welfare to Work on a participant has been verified and documented (MPP40-157), then it would satisfy CalWORKs verification requirements."



TANF Update

Budget Reconciliation Bill Awaits Final House Action

George Bush has proudly signed S. 1932. This bill would reduce direct spending by about \$39 billion over the 2006-2010 period and by approximately \$99 billion over the 2006-2015 period. Student loans and medical assistance for the poor and middle class are on the chopping block. S. 1932 also reauthorized the TANF program until 2010. The following pages show the actual TANF reauthorization language and the **Conference Report HR 109-362**.

The bill requires that 50% of the non two-parent families and 90% of the two (2) parent families meet the federal participation rates set forth in federal regulation of HHS to be published by June 30, 2006. Failure to meet these rates would reduce the State TANF funds by 5%. The bill also adds another 5% penalty for those who fail to set up a system to verify that the participants have performed the activity counted towards to State's participation rates.

Under current law, only families receiving TANF funds have to meet the participation rates. The new bill requires all families to meet the participation rates.

The bill finally authorizes an additional \$200 a year for child care for five years.

The child care additional funding was the only change that the Senate got in Conference for the TANF provisions. All other provisions the conference committee adopted the House version, which represented the Bush version.

**CONFERENCE REPORT 109-362
TANF-TEMPORARY
ASSISTANCE FOR NEEDY
FAMILIES (SUBTITLE A)**

Reauthorization of Grants

Current Law

The TANF block grant provides states with funding for a wide range of benefits and services to families with children, including cash welfare. Basic block grants are funded nationally at \$16.5 billion per year. The law also provides supplemental grants to certain states funded at \$319 million per year; performance bonus funds of \$200 million per year for meeting program goals and \$100 million per year for reducing out-of-wedlock pregnancies; contingency funds of \$2 billion for states experiencing economic downturns; and a loan fund. Funding authority for the program expires December 31, 2005.

Allows up to 30 percent of TANF block grants to be transferred to the Child Care and Development Block Grant (CCDBG) and Social Services Block Grant (SSBG), although limit on transfers to SSBG is set at 4.25 percent for FY2006 and later.

House Passed Bill

Extends TANF block grant at current level through FY2010 and TANF supplemental grants at current levels through FY2009. Eliminates all bonus funds and the loan fund. (Some of these savings are used to finance grants to promote healthy marriages and responsible fatherhood, see below.) Continues a \$2 billion contingency fund through FY2010.

Raises overall transfer authority to 50 percent of the TANF block grant, and increases maximum transfer to SSBG to 10 percent (level allowed in the original 1996 welfare law).

Senate Passed Bill

No provision.

Conference Report

Recede to the House, with the modification that TANF supplemental grants are authorized at their current level for three fiscal years (through FY2008). Recede to the Senate with regard to transfer authority.

Requirements

Current Law

States are required to make an assessment of the work-readiness of TANF assistance recipients and may establish an Individual Responsibility plan for them. States are required to sanction families with a recipient who does not comply with work.

Recipients are required to visit their children's schools twice per year.

Senate Passed Bill

No provision.

Conference Report

Recede to the Senate with respect to self-sufficiency plans, sanctions, and the increase in work participation standard to 70 percent.

Recede to the House with regard to the caseload reduction credit, with the modification that the base year for this credit is changed to FY2005, effective October 1, 2006. Adds that families receiving assistance under separate state programs are included in the calculation of work participation rates; and the Secretary of Health and Human Services is to provide additional direction to and oversight of states related to activities that may be counted as work activities, how to count and verify reported hours of work, and determining who is a work-eligible individual, with a new penalty for states that fail to establish and maintain such improved work participation verification procedures.

Recede to the Senate on additional credits for states with large past caseload declines, hours of work, partial credits, special allowances or requirements, and changes in list of work activities and extent to which such activities may be counted as work.

***SEC. 7101. TEMPORARY ASSISTANCE FOR
NEEDY FAMILIES AND RELATED
PROGRAMS FUNDING THROUGH***

SEPTEMBER 30, 2010.

(a) *In General-* Activities authorized by part A of title IV and section 1108(b) of the Social Security Act (adjusted, as applicable, by or under this subtitle, the amendments made by this subtitle, and the TANF Emergency Response and Recovery Act of 2005) shall continue through September 30, 2010, in the manner authorized for fiscal year 2004, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2010 at the level provided for such activities for the corresponding quarter of fiscal year 2004 (or, as applicable, at such greater level as may result from the application of this subtitle, the amendments made by this subtitle, and the TANF Emergency Response and Recovery Act of 2005), except that in the case of section 403(a)(3) of the Social Security Act, grants and payments may be made pursuant to this authority only through fiscal year 2008 and in the case of section 403(a)(4) of the Social Security Act, no grants shall be made for any fiscal year occurring after fiscal year 2005.

(b) *Conforming Amendments-* Part A of title IV (42 U.S.C. 601 et seq.) is amended—

(1) in section 403(a)(3)(H)(ii), by striking ‘December, 31, 2005’ and inserting ‘fiscal year 2008’;

(2) in section 403(b)(3)(C)(ii), by striking ‘2006’ and inserting ‘2010’; and

(3) in section 409(a)(7)—

(A) in subparagraph (A), by striking ‘or 2007’ and inserting ‘2007, 2008, 2009, 2010, or 2011’; and
(B) in subparagraph (B)(ii), by striking ‘2006’ and inserting ‘2010’.

(c) *Extension of the National Random Sample Study of Child Welfare Through September 30, 2010-* Activities authorized by section 429A of the Social Security Act shall continue through September 30, 2010, in the manner authorized for fiscal year 2004, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority on a quarterly basis through fiscal year 2010 at the level provided for such activities for the corresponding quarter of fiscal year 2004.

SEC. 7102. IMPROVED CALCULATION OF WORK PARTICIPATION RATES AND PROGRAM INTEGRITY.

(a) *Recalibration of Caseload Reduction Credit-*

(1) *IN GENERAL-* Section 407(b)(3)(A) (42 U.S.C. 607(b)(3)(A)) is amended—

(A) in clause (i), by inserting ‘or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))’ after ‘this part’; and

(B) by striking clause (ii) and inserting the following:

‘(ii) the average monthly number of families that received assistance under any State program referred to in clause (i) during fiscal year 2005.’

(2) *CONFORMING AMENDMENT-* Section 407(b)(3)(B) (42 U.S.C. 607(b)(3)(B)) is amended by striking ‘and eligibility criteria’ and all that follows through the close parenthesis and inserting ‘and the eligibility criteria in effect during fiscal year 2005’.

(b) *Inclusion of Families Receiving Assistance Under Separate State Programs in Calculation of Participation Rates-*

(1) Section 407 (42 U.S.C. 607) is amended in each of subsections (a)(1), (a)(2), (b)(1)(B)(i), (c)(2)(A)(i), (e)(1), and (e)(2), by inserting 'or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))' after 'this part'.

(2) Section 411(a)(1) (42 U.S.C. 611(a)(1)) is amended—

(A) in subparagraph (A), by inserting 'or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))' before the colon; and

(B) in subparagraph (B)(ii), by inserting 'and any other State programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))' after 'this part'.

(c) *Improved Verification and Oversight of Work Participation-*

(1) *IN GENERAL-* Section 407(i) (42 U.S.C. 607(i)) is amended to read as follows:

'(i) Verification of Work and Work-Eligible Individuals in Order To Implement Reforms-

'(1) SECRETARIAL DIRECTION AND OVERSIGHT-

'(A) REGULATIONS FOR DETERMINING WHETHER ACTIVITIES MAY BE COUNTED AS 'WORK ACTIVITIES', HOW TO COUNT AND VERIFY REPORTED HOURS OF WORK, AND DETERMINING WHO IS A WORK-ELIGIBLE INDIVIDUAL-

'(i) IN GENERAL- Not later than June 30, 2006, the Secretary shall promulgate regulations to ensure consistent measurement of work participation rates under State programs funded under this part and State programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)), which shall include information with respect to—

'(I) determining whether an activity of a recipient of assistance may be treated as a work activity under subsection (d);

'(II) uniform methods for reporting hours of work by a recipient of assistance;

'(III) the type of documentation needed to verify reported hours of work by a recipient of assistance; and

'(IV) the circumstances under which a parent who resides with a child who is a recipient of assistance should be included in the work participation rates.

ii) **ISSUANCE OF REGULATIONS ON AN INTERIM FINAL BASIS-** The regulations referred to in clause (i) may be effective and final immediately on an interim basis as of the date of publication of the regulations. If the Secretary provides for an interim final regulation, the Secretary shall provide for a period of public comment on the regulation after the date of publication. The Secretary may change or revise the regulation after the public comment period.

(B) **OVERSIGHT OF STATE PROCEDURES-** The Secretary shall review the State procedures established in accordance with paragraph (2) to ensure that such procedures are consistent with the regulations promulgated under subparagraph (A) and are adequate to ensure an accurate measurement of work participation under the State programs funded under this part and any other State programs funded with qualified State expenditures (as so defined).

(2) **REQUIREMENT FOR STATES TO ESTABLISH AND MAINTAIN WORK PARTICIPATION VERIFICATION PROCEDURES-** Not later than September 30, 2006, a State to which a grant is made under section 403 shall establish procedures for determining, with respect to recipients of assistance under the State program funded under this part or under any State programs funded with qualified State expenditures (as so defined), whether

activities may be counted as work activities, how to count and verify reported hours of work, and who is a work-eligible individual, in accordance with the regulations promulgated pursuant to paragraph (1)(A)(i) and shall establish internal controls to ensure compliance with the procedures.’.

(2) STATE PENALTY FOR FAILURE TO ESTABLISH OR COMPLY WITH WORK PARTICIPATION VERIFICATION PROCEDURES- Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

(15) PENALTY FOR FAILURE TO ESTABLISH OR COMPLY WITH WORK PARTICIPATION VERIFICATION PROCEDURES-

(A) IN GENERAL- If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 407(i)(2) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to not less than 1 percent and not more than 5 percent of the State family assistance grant.

‘(B) PENALTY BASED ON SEVERITY OF FAILURE- The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.’.

(d) Effective Date- The amendments made by subsections (a) and (b) shall take effect on October 1, 2006.

County Welfare Department Client Abuse Report

Ms. V. J. has been getting aid for one person , her baby, because she did not attend job club when she was sick. She called her worker and told the worker that she was sick, but the worker still imposed the sanction - the real purpose of the WtW program in California. Ms. V.J. said that her and her child had a horrible Christmas and are living in misery - compliments of the WtW program.

Ms. S.N. of Ventura County was discontinued due to no QR-7. On a regular weekday she went down to the Oxnard office to apply for welfare benefits. She arrived at the welfare office at 3:15 p.m. When she tried to apply for benefits, she was told that she cannot because the last call for applications was at 2:00 p.m., thus, she has to come in tomorrow.

Ventura County refused to take an application as required by 63-300.

“.34 Contacting the Food Stamp Office

The CWD shall encourage households to file an application form the same day the household or its representative contacts the food stamp office in person or by telephone and expresses interest in obtaining food stamp assistance.

.35 Notice of Right to File

The CWD shall post signs in the certification office which explain the application processing standards and the right to file an application on the day of initial contact.”